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DOCKET NO.: C1039.70077US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 10/619,279
Confirmation No.: 8248
Filed: July 14, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: Janet L. Epps Ford
Art Unit: 1633

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6th day of October, 2006.

Emily E. Zukauskas
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Helen C. Lockhart

Helen C. Lockhart, Ph.D., Reg. No.: 39,248
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Docket No.: C1039.70077US00
Date: October 6, 2006
xNDDx




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Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> | <u>Docket No.</u> |
|-------------------|--------------------|--------------------|-------------------|
| 10/532,746 | 04-26-2005 | Ahluwalia et al. | *C1037.70035US01 |
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| 11/368,334 | 03-03-2006 | Krieg et al. | *C1039.70065US01 |
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| 11/411,975 | 04-26-2006 | Uhlmann et al. | *C1041.70045US01 |

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: 
Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70077US00
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPLICATION NO.: 10/619,279

ATTY. DOCKET NO.: C1039.70077US00

FILING DATE: July 14, 2003

CONFIRMATION NO.: 8248

APPLICANT: Krieg et al.

GROUP ART UNIT: 1633

EXAMINER: Janet L. Epps Ford

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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

| | | | | | | | |
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| | | | | APPLICANT: Krieg et al. | | | |
| | | | | GROUP ART UNIT: 1633 | | EXAMINER: Janet L. Epps Ford | |
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| Sheet | 6 | of | 13 | | | | |

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| Examiner's Initials # | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Translation (Y/N) |
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| | | Office/ Country | Number | Kind Code | | | |
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| Examiner's Initials # | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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| <div>FORM PTO-1449/A and B (modified PTO/SB/08)</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> | | | | APPLICATION NO.: 10/619,279 | | ATTY. DOCKET NO.: C1039.70077US00 | |
| | | | | FILING DATE: July 14, 2003 | | CONFIRMATION NO.: 8248 | |
| | | | | APPLICANT: Krieg et al. | | | |
| | | | | GROUP ART UNIT: 1633 | | EXAMINER: Janet L. Epps Ford | |
| Sheet | 13 | of | 13 | | | | |

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*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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